

McKESSEY DECLARATION

Scott S. McKessy (SM-5489)
Reed Smith LLP
599 Lexington Avenue
New York, New York 10022
(212) 521-5400
Attorneys for Plaintiff
Columbia Gas Transmission Corporation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COLUMBIA GAS TRANSMISSION CORPORATION, : Civil Action No. 07 cv 5739 (KMK)
ECF CASE

: Plaintiff,

:
- against -

LEWIS PERRY, YOLANDA PERRY, :
ALEXANDER ROAD ASSOCIATION, INC., :
ANTHONY VULPONE, ESTATE OF ANTHONY :
VULPONE, ROBERT ANTALOCY, :
THOMAS HARRIS, DOLORES A. KORZ, :
JOHN P. KILDUFF, KENNETH LEE d/b/a :
“I CAN GET IT FOR YOU WHOLESALE”, :
SALLIE E. HARMON, PAUL RUGGIERO, :
MICHELLE RUGGIERO, TERRANCE :
DONNARY, ANDREW PERNA, KAREN :
PERNA, ROBERT McMAHON, CARL :
McMAHON, KELVIN M. LEWIS, MARCHELLE :
KIRBY, JHON GORDON, RUTH MONROE, :
EDWARD R. MATEO, ROSANN P. MATEO, :
ADAM DORAN, NICOLE DORAN, CREDECNE :
DEVELOPMENT INC., RICHARD DELISI, :
ADELAIDE FAULKNER, PAUL ESPEL, :
CAROL ESPEL, DAWN FORNOFF, RICHARD :
BURTON, GARY MARINA, and JOHN DOE :
NO. “1” through “10” inclusive, the names of the :
last ten defendants being fictitious, the true names :
being unknown to plaintiff, the parties intended :
being those having an ownership interest in :
property effected by a certain easement described :
in the complaint,

:
Defendants.

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DECLARATION OF SCOTT S. MCKESSY

Scott S. McKessy, declares under penalty of perjury:

1. I am a member of Reed Smith LLP, attorneys for plaintiff Columbia Gas Transmission Corporation (“Columbia”). I am fully familiar with the facts set forth herein, and submit this declaration, pursuant to 28 U.S.C. § 1746, in support of Columbia’s instant application for summary judgment on its claim seeking an adjudication that the minimum width of Columbia’s easement affecting defendant-landowners’ property is fifty feet (twenty-five feet on either side of the pipeline), which is the minimum reasonable and necessary width to effectuate the purpose of the granted easement.

2. Attached hereto as Exhibit A is a true and correct copy of the Easement Agreement at issue in this matter.

3. Attached hereto as Exhibit B is a diagram and equipment specification relating to the reasonableness of a fifty-foot permanent right-of-way.

4. Attached hereto as Exhibit C are true and correct copies of pictures of the Permanent Right-of-Way under the Easement, which were taken in the Fall of 2007.

5. Attached hereto as Exhibit D is a true and correct copy of the Complaint in this matter.

6. Attached hereto as Exhibit E is a true and correct copy of the Answer and Counterclaim of Defendants Lewis Perry, Yolanda Perry, Alexander Road Association, Inc., Edward R. Mateo, Rosann P. Mateo, Adam Doran, Nicole Doran, Credence Development, Inc., and Richard Delisi (collectively, “Counterclaim Defendants”).

7. Attached hereto as Exhibit F is a true and correct copy of the Reply filed in response to the counterclaims of the Counterclaim Defendants in this matter.

WHEREFORE, it is respectfully requested that this Court grant Columbia’s motion in its entirety, deny Responding Defendants motion in all respects and granting Columbia such other and further relief as the Court may deem just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 14, 2008.

/s/ Scott S. McKessy

Scott S. McKessy